

3899. Adulteration and misbranding of so-called coffee. U. S. v. Hanley & Kinsella Coffee & Spice Co. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 4460. I. S. No. 16623-d.)

On June 13, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hanley & Kinsella Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 25, 1911, from the State of Missouri into the State of Colorado, of a quantity of coffee which was adulterated and misbranded. The product was labeled: "Hanlin Brand Coffee Ground Guaranteed Serial Number 2639. Distributed by Henkel-Duke Mercantile Co., Pueblo, Colo."

An examination of a sample of the product by the Bureau of Chemistry of this department indicated that it was Rio screenings, which product is nothing more or less than low-grade trash, full of black beans, quakers, chaff, etc., that could not be the product of a coffee grading No. 8 or better. It appeared that the product was not as good as the product of a ground No. 8 Rio, and that therefore it was below grade and should not be offered for sale.

Adulteration of the product was alleged in the information for the reason that it was sold as coffee, when, in truth and in fact, it consisted of a substance, to wit, black beans and quaker chaff, which had been substituted in part for coffee, and, further, in that the product consisted wholly or in large part of a filthy and decomposed vegetable substance, to wit, black beans and quaker chaff.

Misbranding was alleged for the reason that the word "coffee," so appearing on the label of the package in which the product was shipped, was misleading, because, in truth and in fact, the product was not whole coffee but consisted in part of black beans and quaker chaff. Misbranding was alleged for the further reason that the product was so labeled and branded as to deceive and mislead the purchaser, being labeled "coffee," whereas, in truth and in fact, the product was not a marketable coffee and was not whole coffee, but consisted in part of black beans and quaker chaff.

On November 25, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 29, 1915.